

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 223886

41

ORIGIN FBO-05

INFO OCT-01 NEA-10 ISO-00 A-01 /017 R

DRAFTED BY A/FBO:EEBALLARD;SGB

APPROVED BY A/FBO:OCRALSTON

----- 041676

P 191714Z SEP 75

FM SECSTATE WASHDC

TO AMEMBASSY KATHMANDU PRIORITY

AMEMBASSY NEW DELHI PRIORITY

LIMITED OFFICIAL USE STATE 223886

E.O. 11652: N/A

TAGS: ABLD

SUBJECT: RENOVATION KATHMANDU OB, PROPERTY NO. 06460,
FINAL SETTLEMENT

REF: A) KATHMANDU 4018 B) KATHMANDU 3981 C) STATE 208632
D) NEW DELHI 11840 E) NEW DELHI 12309

NEW DELHI FOR FBO PROJECT SUPERVISOR

1. REFTEL C APPROVED MOST OF CONTRACTOR'S CLAIMS AND
ALLOTTED DOLS 4,548 FOR SETTLEMENT OF SAME. THIS AMOUNT
IS CORRECT BECAUSE ITEM G (HT SWITCHGEAR) LISTED IN PARA
1 OF REFTEL C SHOULD HAVE BEEN FOR DOLS 150 IN ACCORDANCE
WITH CLAIMED AMOUNT AND NOT DOLS 2150 INCORRECTLY STATED IN
REFTEL (C).

2- DUE TO UNRESOLVED MATTERS REGARDING THIS PROJECT, FBO
PROJECT SUPERVISOR IS AUTHORIZED TO PROCEED SOONEST TO
KATHMANDU FOR APPROXIMATELY TEN DAYS TDY TO ASSIST POST
WITH FINALIZATION OF CONTRACT. NEW DELHI REQUESTED ISSUE
TRAVEL ORDERS ACCORDANCE 6FAM 121.1-5P. CHARGE ALLOT-
MENT XJ-4428, CODE 213.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 223886

3. NEGOTIATIONS SHOULD BE CONDUCTED WITHIN FOLLOWING GUIDE LINES:

A) ACCEPTANCE OR REJECTION OF ANY PART OR ALL OF CONTRACTORS CLAIMS CAN LEGALLY ONLY BE AUTHORIZED BY THE DIRECTOR OF A/FBO. BASED ON PREVIOUS A/FBO DETAILED REVIEW OF THESE CLAIMS, DEPARTMENT SEES NO REASON TO ALTER IT'S POSITION TAKEN IN REFTEL (C). THIS POSITION SHOULD BE MAINTAINED UNLESS SUBSEQUENTLY AUTHORIZED BY A/FBO.

B) NO FURTHER PAYMENTS SHOULD BE MADE UNTIL AUTHORIZED. PARAGRAPHS 47 AND 48 OF CONTRACT GENERAL CONDITIONS DS-1231 REVISED 12/17 ARE PERTINENT IN THIS REGARD. UNTIL ADVISED DEFER PAYMENT OF RETAINED DOLS 7,500 AND REFTEL (C) DOLS 4,547.20.

C) NO SETTLEMENT OF TAX CLAIM CAN BE MADE UNTIL, AS PREVIOUSLY STATED, CONTRACTOR PROVIDES PROOF OF PAYMENT AND SAME RECEIVED AT A/FBO. USG HAS NO OBLIGATION TO ASSIST CONTRACTOR IN HIS POSSIBLE CASH FLOW PROBLEMS.

D) NATURE OF DISPUTE BETWEEN ELECTRICAL AND GENERAL CONTRACTOR PER REFTEL (B) NOT COMPLETELY KNOWN HERE, BUT CONSIDERED POSSIBLY TO BE SOMEWHAT RELATED TO SAME CATEGORIES OF GENERAL CONTRACTOR'S CLAIM WHICH HAVE BEEN DISALLOWED BY REFTEL (C). USG HAS CONTRACT ONLY WITH GENERAL CONTRACTOR, THUS DIRECT USG INVOLVEMENT WITH ELECTRICAL CONTRACTOR NOT ADVISABLE. HOWEVER, ATTEMPT TO DETERMINE AMOUNT AND NATURE OF UNPAID ITEMS.

E) ALTHOUGH THIS POINT SHOULD NOT BE RAISED AT THIS TIME WITH THE CONTRACTOR, IT SHOULD BE KEPT IN MIND THAT, ALL ELSE FAILING, USG MAY, UNDER ARTICLE 38 OF CONTRACT GENERAL CONDITIONS, RETAIN FUNDS FROM BALANCE DUE THE CONTRACTOR AND HAVE UNCOMPLETED WORK PERFORMED BY OTHERS. THIS IS NOT NOW CONTEMPLATED, BUT TOWARD THIS POSSIBILITY SUPERVISOR IS REQUESTED TO MAKE FINAL DETAILED INSPECTION TO DETERMINE TOTAL ESTIMATED VALUE OF ANY UNCOMPLETED OR DEFICIENT WORK.

F) SUPERVISOR'S STANCE DURING NEGOTIATION SHOULD BE COURT-LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 223886

TEOUS BUT FIRM, SEEKING TO OBTAIN CONTRACTOR'S CONCURRENCE WITH DEPARTMENT TERMS PER REFTEL (C). HE SHOULD MAKE NO CONTRACTURAL FINAL DECISIONS, INSTEAD SERVING AS INTERPRETOR OF THE CONTRACT DOCUMENTS AND REPRESENTATIVE OF THE DIRECTOR, A/FBO WHO IS THE CONTRACTING OFFICER.

4. ABOVE PARAMETERS CONVEY THE LIMITATIONS WITHIN WHICH SUPERVISOR IS AUTHORIZED TO NEGOTIATE. FINAL DETER-

MINATIONS REST WITH A/FBO AND WILL BE FORTHCOMING AFTER
REVIEW OF HIS REPORT FROM KATHMANDU WHICH SHOULD BE SENT
PRIORITY TELEX AS SOON AS POSSIBLE. HE SHOULD REMAIN AT
KATHMANDU PENDING DEPARTMENT'S REPLY SINCE HOPE IS THAT
FINAL SETTLEMENT CAN BE PROMPTLY ACCOMPLISHED IN THIS
MANNER.

DECONTROL FOLLOWING SEPTEMBER 15, 1976. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ECONOMIC DEVELOPMENT, PRESS RELEASES, FOREIGN ASSISTANCE PROGRAMS, ALLEGATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 19 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975STATE223886
Document Source: CORE
Document Unique ID: 00
Drafter: EEBALLARD;SGB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750325-1040
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750934/aaaabebn.tel
Line Count: 123
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN FBO
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 KATHMANDU 4018, 75 KATHMANDU 3981, 75 STATE 208632
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 18 AUG 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 AUG 2003 by CunninFX>; APPROVED <18 AUG 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: RENOVATION KATHMANDU OB, PROPERTY NO. 06460, FINAL SETTLEMENT
TAGS: ABLD, SOPN, NEW YORK TIMES
To: KATHMANDU NEW DELHI
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006